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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,165	11/07/2001	Paer-Olof Funck	11709.46USWO	8653

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
VAN PELT, BRADLEY J	
ART UNIT	**PAPER NUMBER**
3682	

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,165	FUNCK ET AL.	
	Examiner	Art Unit	
	Bradley J Van Pelt	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Totaro (USPN 6,068,164) in view of Hyvonen et al. (USPN 5,813,496) and Shida (JP 5-170298).

Totaro discloses a system for manual lubrication of an apparatus wherein the lubricant is delivered by a lubricant gun (1) having a lubrication nozzle (8).

Totaro fails to show an apparatus having a plurality of lubrication points with a quantity of lubricant individually predetermined for each lubrication point, wherein the lubrication points of the apparatus are provided with an identification element, based upon which information on the quantity of lubricant that is to be administered to each individual point in each instance of lubrication is retrievable from a memory, and wherein, in the lubrication of a lubrication point of the apparatus the identification element associated with the lubrication point is detected by a lubrication point identification device arranged at the lubrication nozzle and information on the predetermined quantity of lubricant for the lubrication point identified is retrieved from the memory, following which the quantity of lubricant is administered to the lubrication point, and information on the lubrication carried out is stored in the memory;

information on quantities of lubricant for each point stored in the aforementioned memory is fed from that memory to a second mobile member and that after carrying out the

lubrication round the information is transmitted from the second memory to the aforementioned memory;

list is retrieved from memory;

time from round is calculated from information stored in the memory.

Hyvonen et al. show an apparatus having a plurality of lubrication points with a quantity of lubricant individually predetermined for each lubrication point.

Shida shows an identification element (13), based upon which information on the quantity of fluid that is to be administered to each individual point in each instance of filling is retrievable from a memory, and wherein, in the filling of a point of the apparatus the identification element associated with the point is detected by a point identification device (12) arranged at the nozzle and information on the predetermined quantity of fluid for the point identified is retrieved from the memory, and information on the filling carried out is stored in the memory;

information on quantities for each point stored in the aforementioned memory is fed from that memory to a second mobile member and that after carrying out the round the information is transmitted from the second memory to the aforementioned memory;

list is retrieved from memory;

time from round is calculated from information stored in the memory.

To modify the apparatus of Totaro so as to provide an apparatus with a plurality of lubrication points would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Hyvonen et al. that such an arrangement improves functionality of the system.

To modify the apparatus of Totaro so as to provide and scanning and storage device would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Shida that such an arrangement improves monitoring amounts used.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Totaro (USPN 6,068,164) in view of Hyvonen et al. (USPN 5,813,496) and Shida (JP 5-170298) as applied to claims 1, 2, 4-7, and 9 above, and further in view of Elkin et al. (USPN 6,123,174).

The above reference combination shows all of the instantly claimed invention except an indication by audible means.

Elkin et al. disclose that on identification of an individual lubrication point the quantity of lubricant is shown that is to be administered (column 25, lines 12-17) to the lubricant point in question and that when the quantity has been administered the administration is shown and/or indicated by audible means (column 25, lines 24-27).

To modify the above reference combination so as to provide and audible means would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Elkin et al. that such an arrangement will indicate to user when operation is finished.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Totaro (USPN 6,068,164) in view of Hyvonen et al. (USPN 5,813,496) and Shida (JP 5-170298) as applied to claims 1, 2, 4-7, and 9 above, and further in view of Pollack (USPN 5,923,572).

The above reference combination shows all of the instantly claimed invention except communication by radio equipment.

Pollack shows communications equipment composed of radio communications equipment (38, 39, 71, 72).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above reference combination with the radio communication, as taught by Pollack, for the purpose of a wireless transmission and getting rid of hardware.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin et al. (USPN 6,123,174) in view of Hyvonen et al. (USPN 5,813,496) in view of Pollack.

Elkin et al. disclose a system for manual lubrication of a lubrication point with a quantity of lubricant individually predetermined for the lubrication point, wherein the lubrication point is provided with an individual identification information (column 16, lines 8-13) on the quantity (column 16, line 15) of lubricant that is to be administered to the lubrication point in each instance of lubrication is stored in a memory (column 16, lines 13-16), and wherein in the lubrication of a lubrication point the identification of the point is detected (bar code reader 216 see column 20, lines 30-40) and information on the predetermined quantity of lubricant for the lubrication point identified is retrieved from the memory (column 20 lines 25-29), following which the said quantity of lubricant is administered to the lubrication point, information on the lubrication carried out and the time thereof is stored in the memory (column 26, lines 41-45).

Elkin et al. disclose that on identification of an individual lubrication point the quantity of lubricant is shown that is to be administered (column 25, lines 12-17) to the lubricant point in question and that when the quantity has been administered the administration is shown and/or indicated by audible means (column 25, lines 24-27).

Elkin et al. disclose that a list of lubrication points (engines and vehicles) visited during a lubrication round and the quantity of lubricant individually administered to each lubrication point is retrieved from the memory (column 26 lines 42-47).

Elkin et al. inherently disclose in that the time for a subsequent lubrication round information on the quantity of lubrication for the individual lubrication point is calculated from information stored in the memory. Elkin et al. disclose (column 16, lines 11-16) the database tracks which services have been preformed, thus it is calculated either by computer or user when next operation is due.

Re: claim 6, Elkin et al. disclose a device for manual lubrication of a lubrication point with a quantity of lubricant individually predetermined for each lubrication point, characterized in that the device comprises a combination of: an identification element unique to the lubrication point (bar code, see column 16, line 56) unique to the lubrication point at a lubrication point (engine in Elkin) and a measuring device (78), a reservoir (24) which is connected buy way of a pump device (76) and a measuring device (78) with indicating element (96) and a dispensing apparatus (166);

Elkin et al. fail to show an apparatus having a plurality of lubrication points with a quantity of lubricant individually predetermined for each lubrication point.

Elkin et al. fail to show in connection with a planned lubrication round information on the quantities of lubricant for each individual lubrication point stored in the aforementioned memory is fed from that memory to a second mobile memory and that after carrying out the lubrication round the said information is transmitted from the second memory to the aforementioned memory.

Elkin et al. do not disclose a lubricant gun with a lubricant reservoir which is connected by way of a pump device and the pump device connected to which control element is a memory containing stored data on the lubrication requirement of each individual lubrication point, with which memory the lubricant gun is designed to communicate for transfer to the control element of a lubricant quantity specification for each separate lubrication point and for feeding information stored in the control element on the lubrication carried out at the individual lubrication points, and a lubrication point identification device arranged in connection with the nozzle and designed, when the nozzle is connected to a lubrication point, to automatically identify the lubrication point in question and its lubrication requirement by means of the identification element together with means for storing in the memory data on the quantity of lubricant administered to the lubrication point in question in each lubrication operation;

the device comprises communication equipment designed to achieve communication between the control element and a fixed computer;

communications equipment composed of radio communications equipment;

the control element comprises memory elements designed to store the data and information for a time interval between the beginning and end of one operation round and that the memory elements are designed to communicate with the computer memory.

Re: claims 1 and 6, Hyvonen et al. renders obvious an apparatus having a plurality of lubrication points with a quantity of lubricant individually predetermined for each lubrication point.

Re: claim 2, Pollock (USPN 5,923,572) renders obvious a memory (56) being fed from that memory to a second mobile memory (30 mounted on hose is mobile) and that after carrying

out an operation the information is transmitted from the second memory to the aforementioned memory (column 3, lines 60-65).

Pollock renders obvious a gun (12) with a reservoir (inherent) which is connected by way of a pump device (45) and a measuring device (44) to a nozzle (end portion of dispenser), a control element (24) connected to the measuring device and the pump device connected to which control element is a memory containing stored data (30) of an individual point, with which memory the gun is designed to communicate for transfer to the control element of a quantity specification (column 4, lines 4-17) for a lubrication point and for feeding information stored in the control element on the operation carried out at the individual point (also column 4, lines 4-17), and a point identification device (21) arranged in connection with the nozzle and designed, when the nozzle is connected to a point, to automatically identify the point in question and its requirement by means of the identification element together with means for storing in the memory data on the quantity administered to the point in question in each operation (column 3, lines 65-67, column 4, lines 1-3);

Re: claim 7, Pollack renders obvious the device comprises communication equipment designed to achieve communication between the control element and a fixed computer.

Re: claim 8, Pollack renders obvious communications equipment composed of radio communications equipment (38, 39, 71, 72).

Re: claim 9, Pollock renders obvious that the control element (24) comprises memory elements (84) designed to store the said data and information for a time interval between the beginning and end of one operation round and that the memory elements are designed to communicate with the computer memory (30).

To modify the apparatus of Elkin et al. so as to include an apparatus with a plurality of lubrication points with a quantity of lubricant individually determined for each lubrication point would have been obvious to one of ordinary skill in the art in view of the teachings of Hyvonen et al. that such an arrangement improves overall bearing lives for rollers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the dispensing apparatus of Elkin et al. with the gun dispenser, and the control element to communicate with an identification point, as taught by Pollack, for the purpose of eliminating need for operator input, which reduces the labor cost.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communications apparatus of Elkin et al. with the radio communication, as taught by Pollack, for the purpose of a wireless transmission, which decreases the overall response time.

It would have been obvious to one of ordinary skill in the art at the time, of the invention to modify the apparatus of Elkin et al. to utilize memory storage and communication, as taught by Pollack, for the purpose of tracking the quantity dispensed of the lubrication apparatus to accurately calculate total sales, further maximizing profits.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the memory transmitting device of Elton et al. by adding a second mobile memory, as taught by Pollock, for the purpose of eliminating need for operator input, which reduces the labor cost.

Response to Arguments

6. Applicant's arguments filed November 18, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that Elkin, Hyvonen, and Pollack are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, clearly Elkin is draw to lubricating fluids, which is analogous to the instant invention. Hyvonen, similar to the instant invention is lubricating paper machines and therefore is analogous art. Finally, Pollack solves various problems associated with the instant invention such as the use of a wireless transmission and the monitoring of a system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

DAVID A. BUCCI 1/21/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

bjvp